

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER DE LEON MARIN and
GERSON B. ORTEGA-CORADO,

Defendants.

8:22CR149

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the government's Motion for Preliminary Order of Forfeiture (Filing No. 87). The Court has carefully reviewed the record in this case and finds as follows:

1. On April 27, 2023, defendant Javier De Leon Marin ("De Leon Marin") pleaded guilty to Count I of the Indictment (Filing No. 30) and admitted the Forfeiture Allegation. Count I charged De Leon Marin with conspiracy to distribute and possess with intent to distribute 50 grams or more of actual methamphetamine in violation of 21 United States Code § 846.

2. On August 4, 2023, defendant Gerson B. Ortega-Corado ("Ortega-Corado") pleaded guilty to Count I of the Indictment (Filing No. 30) and admitted the Forfeiture Allegation. Count I charged Ortega-Corado with conspiracy to distribute and possess with intent to distribute 50 grams or more of actual methamphetamine in violation of 21 United States Code § 846.

3. The Forfeiture Allegation sought forfeiture, pursuant to 21 U.S.C. § 853 of the following currency on the basis it was either used to facilitate the offenses charged in the Indictment or was derived from proceeds obtained from the commission of the offenses charged in the Indictment:

- a. \$160,000 in United States currency seized from Storage Unit #D43 at Affordable Family Storage, 5000 L Street, Omaha, Nebraska, from on or about June 15, 2022;
- b. \$31,562 in United States currency seized from 1913 M Street, Omaha, Nebraska, from on or about June 16, 2022;
- c. \$2,303 in United States currency seized from 1913 M Street, Omaha, Nebraska, on or about June 16, 2022; and
- d. \$6,980 in United States currency seized from Storage Unit #D35 at Affordable Family Storage, 5000 L Street, Omaha, Nebraska from on or about June 21, 2022.

4. Based on De Leon Marin's and Ortega-Corado's guilty pleas and admissions, De Leon Marin and Ortega-Corado forfeit their interest in the above-described currency and the government is entitled to possession of the currency pursuant to 21 U.S.C. § 853.

5. The government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 87) is granted.
2. Based upon the Forfeiture Allegation of the Indictment and De Leon Marin's and Ortega-Corado's guilty pleas and admissions, the government is hereby authorized to seize the above-described currency.
3. De Leon Marin's and Ortega-Corado's interests in the currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than De Leon Marin and Ortega-Corado, having or claiming a legal interest in any of the subject currency must file a Petition with the Court

within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the above-described currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the currency and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 9th day of August 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge